

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

#### JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

**Call to Order:** By **CHAIRMAN STEVE VICK**, on **February 4, 1999** at  
8:05 A.M., in Room 405 Capitol.

#### ROLL CALL

**Members Present:**

Rep. Steve Vick, Chairman (R)  
Sen. Arnie Mohl, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Rep. Stan Fisher (R)  
Sen. Dale Mahlum (R)  
Rep. Red Menahan (D)  
Sen. Debbie Shea (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Skip Culver, Legislative Branch  
Mary LaFond, OBPP  
Linsey Mortensen, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s): Department of Corrections  
-Community Corrections

#### HEARING ON DEPARTMENT OF CORRECTIONS (COMMUNITY CORRECTIONS)

**Mike Ferriter** discussed issues from yesterday. **EXHIBIT(jih28a01)**  
**{Tape : 1; Side : A; Approx. Time Counter : 6.2 - 7.4}**

#### PROBATION AND PAROLE (BLUE SECTION IN EXHIBIT 5 from 2/3/99)

Introduction of **Mary Fay**, bureau chief of the probation and  
parole bureau.

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**Mary Fay** described the bureau, what has changed in the system, and what they need to do in the future.

**{Tape : 1; Side : A; Approx. Time Counter : 7.4 - 32.5}**

She described the various steps an individual may go through on probation or parole.

**{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 3.7}**

Explanation of the history and staff positions

**{Tape : 1; Side : B; Approx. Time Counter : 3.7 - 8.2}{Tape : 1; Side : B; Approx. Time Counter : 8.7 - 10.3}{Tape : 1; Side : B; Approx. Time Counter : 10.5 - 14.2}**

**REP. MENAHAN** asked if she was talking about the juvenile parole officers under the judge or under their jurisdiction. **Ms. Fay** replied that she is only talking about ones under the department of corrections.

**{Tape : 1; Side : B; Approx. Time Counter : 8.2 - 8.7}**

**SEN. CHRISTIAENS** asked what the departments plans are for the three programs. **Ms. Fay** replied that she is asking for officers for all three programs.

**{Tape : 1; Side : B; Approx. Time Counter : 10.3 - 10.5}**

Description of transportation of individuals and pre-sentence investigations.

**{Tape : 1; Side : B; Approx. Time Counter : 14.2 - 15.6}**

**SEN. CHRISTIAENS** asked if she has worked with the Montana transportation system. **Ms. Fay** replied that they have talked with them, but it looked as if they could not help with juveniles. **SEN. CHRISTIAENS** asked about the length of time it takes to process the juvenile cases. **Ms. Fay** explained why the process is like that.

**{Tape : 1; Side : B; Approx. Time Counter : 16.9 - 20.4}**

Discussion of the transportation officers.

**{Tape : 1; Side : B; Approx. Time Counter : 20.4 - 22.1}**

**Mary Fay** continued describing the pre-sentence investigations. Supervision responsibilities of officers. Random drug testing.

**EXHIBIT(jih28a02)**

**{Tape : 1; Side : B; Approx. Time Counter : 22.1 - 32.5}**

Description of intensive supervision program

**{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 1.2}**

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**REP. MENAHAN** asked why do they use this particular company.

**Ms. Fay** replied that they are being used as a pilot project and they will be sending out bids to other companies.

**{Tape : 2; Side : A; Approx. Time Counter : 1.2 - 1.8}**

Continuation of intensive supervision program, DOC commitments, parole revocations, and sex offender task force.

**{Tape : 2; Side : A; Approx. Time Counter : 1.8 - 12.5}**

Discussion on where sex offenders are and how many officers are in certain areas in state. (case loads)

**{Tape : 2; Side : A; Approx. Time Counter : 12.5 - 15.4}**

Cost per day for an offender and restitution for the victim.

**REP. FISHER** asked about offenders paying restitution to the source of the problem. Mary Fay explained.

**REP. MENAHAN** asked if the individual on ISP pay for it. Ms. Fay explained who and where they pay.

**{Tape : 2; Side : A; Approx. Time Counter : 15.4 - 18.3}**

What increases and programs the division would like to implement. (discussion on increase of supervision officers)

**{Tape : 2; Side : A; Approx. Time Counter : 18.3 - 20.4}**

Discussion and explanation of budget requests.

**{Tape : 2; Side : A; Approx. Time Counter : 20.4 - 23.2}{Tape : 2; Side : A; Approx. Time Counter : 24.5 - 24.8}**

**REP. MENAHAN** asked if they have to admit they are a sex offender to get into the program. **Ms. Fay** replied that if they do not admit they do not enter the program. **REP. MENAHAN** asked if the parole board would let them out if they do not admit to being a sex offender. **Mary Fay** replied that they would not.

**{Tape : 2; Side : A; Approx. Time Counter : 23.2 - 24.5}**

**SEN. MAHLUM** asked why they are paying \$62,000 more in Missoula. **Mary Fay** explained.

**SEN. CHRISTIAENS** asked about the increased county jail costs.

**Ms. Fay** replied that HB 115 is for probation violators and the other is for parole violators. **Rick Day** commented on HB 115.

**SEN. CHRISTIAENS** asked if the bill could be expanded to paroled individuals. **Rick Day** would discuss it with him.

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Discussion on sex offenders treatment

**{Tape : 2; Side : A; Approx. Time Counter : 24.8 - 30.9}**

**SEN. CHRISTIAENS** asked what their comp time policy was. **Mary Fay** replied officers can accrue up to 40 hours of comp time and after that amount it must be paid out at time and a half.

**{Tape : 2; Side : A; Approx. Time Counter : 30.9 - 31.7}**

Comments and discussion on items 4 and 6 in DP 1241 (D-71)

**{Tape : 2; Side : A; Approx. Time Counter : 31.7 - 32.8}**

Comments and discussion on Sex Offenders.

**{Tape : 2; Side : B; Approx. Time Counter : 0.3 - 2.9}**

Continued budget requests

**{Tape : 2; Side : B; Approx. Time Counter : 2.9 - 14.3}**

Mike Ferriter wrapped up on Mary Fay's presentation and committee questions.

**{Tape : 2; Side : B; Approx. Time Counter : 14.3 - 21.8}**

**Craig Thomas** commented on sex offenders on parole.

Discussion on what they did without probation and parole.

**{Tape : 2; Side : B; Approx. Time Counter : 21.8 - 24.4}**

**EXHIBIT(jih28a03)**

**Rick Day** stated some comments on issues and clarification about the schedule.

**{Tape : 2; Side : B; Approx. Time Counter : 26.7 - 32.5}{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 3.9}**

#### **TESTIMONY**

**REP. MCGEE**, House District #21.

**{Tape : 3; Side : A; Approx. Time Counter : 3.9 - 14}**

#### **TREASURE STATE CORRECTIONAL TRAINING CENTER BOOT CAMP (TSCTC)**

(YELLOW SECTION OF EXHIBIT 5 from 2/3/99)

Introduction of **Dan Maloughney**, superintendent of TSCTC.

**EXHIBIT(jih28a04)**

**Dan Maloughney** described the TSCTC program, what is done at the TSCTC, and how individuals become eligible for the program.

**{Tape : 3; Side : A; Approx. Time Counter : 14.6 - 30}**

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**Mr. Maloughney** discussed the budget requests and changes to the requests.

**{Tape : 3; Side : A; Approx. Time Counter : 30 - 32.5}{Tape : 3; Side : B; Approx. Time Counter : 0.3 - 7.3}**

**CHAIRMAN VICK** asked why they can not fit 50 people in the facility. **Mr. Maloughney** replied that the program is harder than people think, and it depends on the time of year. **CHAIRMAN VICK** asked if it would be harder to run the program with more people. **Mr. Maloughney** stated that they have calculated everything that they would need and figure that it will not be a problem to have more people. **CHAIRMAN VICK** asked if they run the men and women together. **Mr. Maloughney** stated that they do. The only thing that is different is where they are housed. **CHAIRMAN VICK** asked if the physical requirements are the same for everyone. **Mr. Maloughney** said that the requirements are individualized. All that they ask is that at the time of graduation the individual can run the two miles.

**{Tape : 3; Side : B; Approx. Time Counter : 7.3 - 10.1}**

**SEN. MAHLUM** asked where they would get their drill instructors and if they are compassionate. **Mr. Maloughney** replied that they are mostly ex military men, and yes they do have compassion, but do not show it during the program.

**{Tape : 3; Side : B; Approx. Time Counter : 10.1 - 11.1}**

**SEN. MOHL** asked what the capacity is for the facility. **Mr. Maloughney** stated that the design capacity is for 60.

**{Tape : 3; Side : B; Approx. Time Counter : 11.7 - 12.6}**

**Mr. Maloughney** broke down the equipment costs.

**SEN. CHRISTIAENS** asked if the age requirement is eliminated how will people not recommended get into the program. **Mr. Maloughney** explained. **SEN. CHRISTIAENS** asked if a sex offender has ever gone through the program. **Mr. Maloughney** explained the situations.

**Mr. Maloughney** discussion the expansion of the program.

**{Tape : 3; Side : B; Approx. Time Counter : 12.6 - 17.8}**

Mike Ferriter did a wrap-up of the TSCTC.

**{Tape : 3; Side : B; Approx. Time Counter : 17.8 -20.0}**

**PRE-RELEASE CENTERS** (GREEN SECTION IN EXHIBIT 5 from 2/3/99)

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Introduction of **Doug Barnes**, director of the unit manager for the pre-release program.

**Doug Barnes** gave an overview of the pre-release program and discussed the proposed budget requests and changes.

**EXHIBIT(jih28a05) EXHIBIT(jih28a06) EXHIBIT(jih28a07)**

**{Tape : 3; Side : B; Approx. Time Counter : 19.7 - 32.8}{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 12.3}**

**REP. MENAHAN** asked do individuals have another chance at the boot camp. **Mr. Maloughney** stated that they can have another chance, but they can only have two chances to make it.

**{Tape : 4; Side : A; Approx. Time Counter : 12.3 - 14.3}**

**CHAIRMAN VICK** asked about the new pre-release site. **Mr. Barnes** replied that the chances are good for them to get the site.

(Discussion on the new site and construction)

**{Tape : 4; Side : A; Approx. Time Counter : 14.3 - 17.8}**

**SEN. CHRISTIAENS** asked about the cost per day in the Legislative Budget Analysis book. Would like a break down.

**{Tape : 4; Side : A; Approx. Time Counter : 17.8 - 20.5}**

Mike Ferriter did a wrap-up of the pre-release centers.

**{Tape : 4; Side : A; Approx. Time Counter : 20.5 - 22.3}**

#### TESTIMONY

**John Madsen**, admissions and marketing officer for the Aspen Youth Alternatives program. **EXHIBIT(jih28a08)**

**{Tape : 4; Side : A; Approx. Time Counter : 22.3 - 25.6}**

Discussion of the different phases of program.

**EXHIBIT(jih28a09) EXHIBIT(jih28a10)**

**{Tape : 4; Side : A; Approx. Time Counter : 25.6 - 30.6}**

#### CONNECTIONS CORRECTIONS PROGRAM

**Mike Thatcher**, chief executive officer, described the program.

**EXHIBIT(jih28a11)**

**{Tape : 4; Side : A; Approx. Time Counter : 30.6 - 32.7}{Tape : 4; Side : B; Approx. Time Counter : 0.3 - 5.8}**

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**ADJOURNMENT**

Adjournment: 12:05 A.M.

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REP. STEVE VICK, Chairman

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LINSEY MORTENSEN, Secretary

SV/LM

**EXHIBIT** (jih28aad)